

**REMARKS****Elections/Restrictions**

The Applicants respectfully acknowledge the restriction to Species I disclosed in Figures 1-4. The Applicants, however, respectfully traverses and request consideration of the Examiner's withdrawal of claims 2 and 4-8. The Examiner states his basis for the withdrawal of claims 2 and 4-8 as that the plurality of torsion bars or bundle bars are not included in Figures 1-4 of the elected embodiment. The Applicants respectfully calls the Examiner's attention to Figure 4 which discloses a plurality of torsion bars (bundle of torsion bars) as is clearly indicated by numerals 27 (bundle) and 32 (torsion bar). The Examiner should note that the spring bundles 27 are clearly illustrated in a cross-sectional illustration in Figure 4 and provide sufficient support for one skilled in the art, in light of the specification, to clearly identify the bundle of torsion bars 27. It should be further noted that paragraph [0066], line 13 clearly specifies that Figure 4 discloses a bundle 27 of torsion springs 32. Thus, the Applicants respectfully request that the Examiner remove the withdrawal of claims 2 and 4-8.

**Drawings**

The Examiner rejected the drawings as filed and indicated that they not of sufficient quality. The Examiner further noted that the drawings were unclear so as to be able to clearly identify various sections of the drawings. In addition, the Examiner noted that spring bundles are not clearly defined by the drawings.

The Applicants have respectfully provided along with this Response to the Office Action, replacement drawing sheets in compliance with 37 CFR 1.121(d). In addition, the Applicants traverse the Examiner's statement that the spring bundles are not clearly defined by the drawings. The Applicants' position is that Figure 4 clearly indicates a roller 15 and a torsion spring assembly 20 and that these elements are axis symmetrical arrangements with respect to their longitudinal axes A1 and A2. In light of the aforementioned detailed description in the specification, the spring bundle is clearly indicated by numerals 27 (bundle) and 32 (torsion bar) and clearly indicates five separate bars. It is clear that these bundles comprise a plurality of single bars. It would

be evident to one skilled in the art and in light of the specification that Figure 4 clearly illustrates and defines the "spring bundle". The Applicants therefore request reconsideration with regard to the sufficiency of the drawings in light of the aforementioned arguments and the replacement drawings sheets.

**Specification:**

The Examiner objected to the specification for the following informalities: the Examiner found the phrase "rotationally fast way" as to be unclear. The Examiner additionally found the phrase "spring bundle 27" also unclear and confusing.

The Applicants respectfully assert that the term "rotationally fast way" is both clear and concise. *Merriam Webster Online* defines the term "fast" as "firmly fixed". This is further supported throughout the specification and from the included Figures. The Applicants, however, have amended the specification claims to replace the term "rotationally fast way" with "rotationally fixed way". The Applicants assert that any unclarity stemming from the word "fast" has now been overcome. No new matter has been added by this amendment.

The Applicants respectfully traverse the Examiner's position of the phrase "spring bundle 27" as being unclear or confusing. The Applicants hereby confirm that the term means "a plurality of springs being arranged in a bundle". The Applicants respectfully draw the Examiner's attention to paragraph [0066] of the specification as filed. Paragraph [0066] and Figure 4 clearly illustrate a plurality of torsion bars in direct contact and parallel with each other and are clearly identified as "spring bundle 27". The Applicants respectfully request the Examiner's reconsideration.

**Claim Rejections – 35 U.S.C. §112**

The Examiner rejected claims 1, 3, 46, 48 and 50 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner identified two issues. The first stemming from the use of the phrase "rotationally fast way" as unclear. The second issue involved the term "rack" with the indication that it was unclear how the spring assembly can be clamped into a rack.

The Applicants reiterate their aforementioned arguments with regard to this deficiency of the term "fast way" and the amendment to clarify the term as "fixed way". The Applicants respectfully assert that the aforementioned argument and amendments remove any unclarity with regard to claims 1, 3, 46, 48 and 50.

With regard to the term "rack", the Applicants traverse the Examiner's position that the term itself is unclear where that is not clear how a spring assembly can be clamped to a rack. The term "rack" is a well-known term utilized by one skilled in the art commonly referring to a platform comprising a plurality of gears or pulley assemblies. In light of the specification and drawings, it would be obvious to one skilled in the art not only the meaning of rack but it would be implicitly understandable how to mount or clamp the spring assembly to a rack. Such clamping would be well within the mechanical auspices of any automotive engineer. Despite this traversal, the Applicants note that the term "rack" is utilized in the claims referring to a platform on which the assembly can be mounted. As such, its usage is simply a reference plane and therefore is not required for a significant limitation of the claims. Therefore, the claims have been amended to strike the term. It is the Applicants' position therefore that both 35 U.S.C. §112, second paragraph issues have become moot.

### **Claim Rejections – 35 U.S.C. §102**

Claims 1, 46 and 48 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by Green, U.S. Patent No. 660,570. The Examiner asserts that Green discloses a belt-tensioning device including all of the limitations of the Applicants' claims. The Applicants respectfully traverse the Examiner's rejection and seek reconsideration.

The Green reference does not in fact disclose a "belt tensioning device" but rather is directed towards a "chain tightener". More significantly, Green fails to teach a torsion spring assembly as claimed by the present invention. The only spring disclosed in the Green application is a conical wound spring where an opening helical spring (I) inserted in an opening (J) near the base of a tapering post (G). The tapering post (G) is fixed to plate (D) by bolt (P) and nut (P') and does not provide any torsional strains. The tapering post (G) simply supports the opening helical spring (I). To provide tensioning

force, the purpose of the tapering post (G) is simply to support the opening helical spring (I). Thus, the spring assembly illustrated in the Green reference is not a torsional spring assembly as claimed by the present invention and fails to include at least one torsion bar or torsion tube. The Applicants therefore seek reconsideration of the claims rejected under 35 U.S.C. §102.

**Claim Rejections – 35 U.S.C. §103**

Claim 3 was rejected by the Examiner under 35 U.S.C. §103 as being unpatentable over Green in view of Bogner, U.S. Patent No. 6,648,783. The Examiner asserts that Green teaches all of the limitations of the present invention with the exception of the damping unit at the tensioning arm and the support. The Applicants respectfully traverse this rejection and incorporate the above arguments illustrating that the Green reference fails to teach the underlying limitations of the present invention and therefore cannot be combined with Bogner to support a 35 U.S.C. §103(a) rejection. Reconsideration is therefore requested.

Claim 50 was similarly rejected under 35 U.S.C. §103(a) as being unpatentable over Green in view of JP 06-159459. Again, the Applicants incorporate by reference the above arguments illustrating that the Green reference fails to teach significant underlying limitations of the present invention and therefore cannot be combined with JP 06-159459 for a proper 35 U.S.C. §103(a) rejection. The Applicants therefore seek reconsideration from the Examiner.

**Conclusion**

Applicants respectfully submit that claims 1-4, 46, 48 and 50 are now in proper form and allowable over the prior art. The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 433-7200 if any matters remain unresolved. A Petition for Extension of Time (one month) accompanies this paper.

Respectfully submitted,

**DICKINSON WRIGHT PLLC**



---

Robert P. Renke, Reg. No. 40,783  
38525 Woodward Avenue, Suite 2000  
Bloomfield Hills, MI 48304-5092  
(248) 433-7200  
(248) 433-7274 (Fax)

Dated: July 9, 2007

BLOOMFIELD 36394-1 850796v1